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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

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10 ARMANDO ABREU,

Petitioner,

v.

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12 DONALD TRUMP, et al.,

13 Respondents.

14 Case No. 17-cv-02438-HSG (PR)

15
16 **ORDER DENYING MOTION FOR**
LEAVE TO PROCEED IFP ON APPEAL

17 Re: Dkt. No. 8

18 Petitioner, a prisoner of the State of California proceeding pro se, filed a petition for a writ
19 of habeas corpus under 28 U.S.C. § 2254, asking the court to compel his deportation to Mexico as
20 well as to modify his sentence. Upon initial review of the petition under Rule 4 of the Rules
Governing Section 2254 Cases, the Court dismissed the petition based on lack of jurisdiction and
failure to state a claim. The Court also denied a certificate of appealability.

21 Petitioner has filed a notice of appeal as well as an application to proceed with that appeal
22 in forma pauperis (“IFP”). An appeal may not be taken IFP if the district court certifies that the
23 appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). The Court certifies that any appeal
24 taken from the order of dismissal and judgment of this action will not be taken in good faith and is
25 therefore frivolous.

26 The Clerk shall forthwith notify petitioner and the Court of Appeals of this order. *See*
27 FRAP 24(a)(4). Petitioner may file a motion for leave to proceed IFP on appeal in the Court of
28 Appeals within thirty days after service of notice of this order. *See* FRAP 24(a)(5). Any such

1 motion "must include a copy of the affidavit filed in the district court and the district court's
2 statement of reasons for its action." *Id.*

3 This order terminates Docket No. 8.

4 **IT IS SO ORDERED.**

5 Dated: 8/22/2017

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HAYWOOD S. GILLIAM, JR.
United States District Judge